

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CASE NO. 22-56207-PMB
	:	
AMBER NICOLE REESE,	:	CHAPTER 7
	:	
Debtor.	:	
_____	:	
	:	
S. GREGORY HAYS, Chapter 7 Trustee,	:	
	:	
Objector/Movant,	:	
	:	
vs.	:	CONTESTED MATTER
	:	
AMBER NICOLE REESE,	:	
	:	
Respondent.	:	
	:	

**OBJECTION TO CLAIMED EXEMPTIONS**

COMES NOW S. Gregory Hays, Chapter 7 Trustee (the “**Trustee**”) for the bankruptcy estate of Amber Nicole Reese (the “**Estate**”), and files this *Objection to Claimed Exemptions* (“**Objection**”), and respectfully shows:

**Jurisdiction and Venue**

1. This Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this Court under 28 U.S.C. §§ 1408 and 1409.

**Background**

2. Debtor filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code on August 10, 2022 and initiated Case No. 22-56207-PMB (the “**Case**” or “**Bankruptcy Case**”).

3. Shortly thereafter, Trustee was appointed to the Case as interim Chapter 7 trustee, under 11 U.S.C. § 701(a)(1).

4. Trustee conducted and concluded the meeting of creditors under 11 U.S.C. § 341(a) on September 13, 2022.

### Exemptions Claimed

5. On her bankruptcy petition, Debtor stated that she lives at 1100 Billy McGee Road, Lawrenceville, Georgia 30045. [Doc. No. 1, page 2 of 57].

6. And, on her *Schedule J: Your Expenses* (“**Schedule J**”), Debtor stated that she has two dependents who both live with her. [Doc. No. 1, page 37 of 57]. More particularly, she completed the relevant section of her Schedule J, as follows:

2. <b>Do you have dependents?</b> <input type="checkbox"/> No		Fill out this information for each dependent.....	<b>Dependent's relationship to Debtor 1 or Debtor 2</b>	<b>Dependent's age</b>	<b>Does dependent live with you?</b>
<input checked="" type="checkbox"/> <b>Yes.</b> Do not list Debtor 1 and Debtor 2.  Do not state the dependents names.					
			Daughter	9	<input checked="" type="checkbox"/> Yes
			Daughter	14	<input checked="" type="checkbox"/> Yes
					<input type="checkbox"/> No
					<input type="checkbox"/> Yes
					<input type="checkbox"/> No
					<input type="checkbox"/> Yes

7. On her *Schedule A/B: Property* (“**Schedule A/B**”) [Doc. No. 1, page 15 of 57], Debtor scheduled an ownership interest in a certain real property commonly known as 25 Gum Creek Lndg, Oxford, Georgia 30054 (the “**Property**”).

8. On her *Schedule C: The Property You Claim Exempt* (“**Schedule C**”), Debtor scheduled total exemptions in the Property of \$22,170.00. [Doc. No. 1, page 21 of 57]. More particularly, she scheduled an exemption in the Property in the amount of \$21,500.00 under O.C.G.A. § 44-13-100(a)(1) (the “**Homestead Property Exemption**”), and she scheduled a \$670.00 exemption in the Property under O.C.G.A. § 44-13-100(a)(6) (the “**Wildcard Property Exemption**”). *Id.*

9. On her Schedule C, Debtor also claimed additional exemptions under O.C.G.A. § 44-13-100(a)(6) totaling \$530.00 (the “**Other Wildcard Exemptions**”). *Id.* at page 22 of 57.

#### **Trustee’s Objections to Claimed Exemptions**

10. Under O.C.G.A. § 44-13-100(b), the State of Georgia has opted out of the federal exemption scheme and follows its own state-provided exemptions as set forth in O.C.G.A. § 44-13-100(a). O.C.G.A. § 44-13-100(b).

11. Under Rule 4003(b) of the Federal Rules of Bankruptcy Procedure, a Trustee and other parties have thirty (30) days from the conclusion of the Meeting of Creditors or within thirty (30) days after any amendment to the list or supplemental schedules is filed, whichever is later, to file any objection to exemptions (the “**Objection Period**”). Fed. R. Bankr. P. 4003.

12. This Objection is timely filed within the Objection Period.

13. Under O.C.G.A. § 44-13-100(a)(1), a debtor may exempt her aggregate interest, not to exceed \$21,500.00 in value, in real property that the “debtor or a dependent of the debtor uses as a residence . . . .” (the “**Homestead Exemption**”). O.C.G.A. § 44-13-100(a)(1).

14. Under O.C.G.A. § 44-13-100(a)(6), a debtor may exempt her aggregate interest, not to exceed \$1,200.00 in value plus any unused amount of the Homestead Exemption in any asset. O.C.G.A. § 44-13-100(a)(6).

15. On her bankruptcy disclosure forms, including her bankruptcy petition and her Schedule J, Debtor has sworn under penalty of perjury that neither she nor her dependents live at the Property. [Doc. No. 1, pages 2 and 37 of 57]. As a result, she is not permitted to claim an exemption in the Property using the Homestead Exemption, and the Homestead Property Exemption is improperly claimed.

16. For the foregoing reasons, Trustee objects to the Homestead Property Exemption, and Trustee requests that it be disallowed.

17. Trustee objects to all other exemptions claimed to the extent that they exceed the allowable exemptions under O.C.G.A. §44-13-100(a), including the Other Wildcard Exemptions. Moreover, this Objection shall be a continuing objection in anticipation of any amendments that may or may not resolve this original Objection, without the need for filing new objections.

WHEREFORE, having filed this Objection, the Trustee prays that the Court sustain the Objection and that the Court grant Trustee such other and further relief as the Court deems just and proper.

Respectfully submitted this 13th day of October, 2022.

ROUNTREE LEITMAN KLEIN & GEER, LLC  
*Proposed Attorneys for Trustee*

By: /s/ Michael J. Bargar  
Michael J. Bargar  
Georgia Bar No. 645709  
mbargar@rlkglaw.com

Century Plaza I  
2987 Clairmont Road, Suite 350  
Atlanta, Georgia 30329  
404-410-1220

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AMBER NICOLE REESE,	:	
	:	
Respondent.	:	
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**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that S. Gregory Hays, the Chapter 7 Trustee (the “**Trustee**”), has filed an *Objection to Claimed Exemptions*.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a hearing on the aforesaid *Objection to Claimed Exemptions* on November 29, 2022. The Court will hold an initial telephonic hearing for announcements on the *Objection to Claimed Exemptions* at the following number: 833-568-8864 US Toll-free Meeting ID: 161 706 9079 at 1:10 p.m. in Courtroom 1202, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia.

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the “Hearing Information” tab on the judge’s webpage, which can be found under the “Dial-in and Virtual Bankruptcy Hearing Information” link at the top of the webpage for this Court, [www.ganb.uscourts.gov](http://www.ganb.uscourts.gov) for more information

Your rights may be affected by the Court’s ruling on this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.). If you do not want the Court to grant the relief sought in this pleading or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written

response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two (2) business days before the hearing. The address of the Clerk's Office is: Suite 1340 Richard B. Russell Federal Building, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the counsel for the Trustee, Michael J. Bargar, Rountree Leitman Klein & Geer LLC, Century Plaza I, 2987 Clairmont Road, Suite 350, Atlanta, GA 30329.

Dated: October 13, 2022.

ROUNTREE LEITMAN KLEIN & GEER, LLC  
*Proposed Attorneys for Trustee*

By: /s/ Michael J. Bargar  
Michael J. Bargar  
Georgia Bar No. 645709  
mbargar@rlkglaw.com

Century Plaza I  
2987 Clairmont Road, Suite 350  
Atlanta, Georgia 30329  
404-410-1220

### **CERTIFICATE OF SERVICE**

This is to certify that I have this day served the foregoing *Objection to Claimed Exemptions and Notice of Hearing* by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage affixed thereon to assure delivery to:

Office of the United States Trustee  
362 Richard B. Russell Building  
75 Ted Turner Drive, SW  
Atlanta, GA 30303

Amber Nicole Reese  
1100 Billy McGee Road  
Lawrenceville, GA 30045

Susan S. Blum  
Blum Law Firm, LLC  
Ginsberg Law Offices, PC  
1854 Independence Square  
Atlanta, GA 30338

This 13th day of October, 2022.

/s/ Michael J. Bargar  
Michael J. Bargar